

APPENDIX G

SUMMARY OF SIGNIFICANT REVISIONS

*This revision reflects the following changes to SECNAVINST 5815.3H:*

*a. Implements changes in clemency and parole procedures to conform to the most current version of DODINST 1325.7 of 17Jul01.*

*(1) Appendix A contains new lists of forms.*

*(2) Appendix C, Part III, contains new Offense Severity Ratings in accordance with DoD Instruction.*

*(3) Death Sentence is addressed, to include role of President as sole official authorized to commute a death sentence to a lesser sentence. (See Sections 305d and 403d(5).)*

*(4) Life without Parole is addressed, to include role of SECNAV as sole official authorized to commute a sentence of life without parole to a lesser sentence. (See Section 304d.)*

*(5) Frequency of clemency/parole review in cases of long-term offenders is attenuated to decrease possibility of initial, unrealistic expectations on the part of long-term offenders. (See Sections 403 and 503.)*

*(6) Initiates and implements "supervised release" (as if on parole) from Minimum Release Date to Full Term Date. (See Chapter VII.)*

*b. Provides graphic schematics (Appendices D, E, & F) to explain the clemency/parole process.*

*c. Provides the Naval Clemency and Parole Board with the regulatory authority in select cases to recommend substitution for good cause of an administrative discharge for an executed punitive discharge or dismissal. This revision makes the Department of the Navy's position consistent with that of other Services. SECNAV or designee will exercise final decisional authority. (See Section 304c.)*

*d. Provides the Naval Clemency and Parole Board with the regulatory authority to substitute for good cause a discharge under other than honorable conditions for an unexecuted punitive discharge or dismissal. Prior to this revision, the Naval Clemency and Parole*

*Board could only substitute an honorable discharge or a general discharge under honorable conditions for an unexecuted punitive discharge or dismissal. This revision makes the Department of the Navy's position consistent with that of the other Services. (See Sections 306b and 402a.)*

e. Changes one of the sub-criteria for forwarding cases to SECNAV by changing the language from "maximum punishment authorized" to "maximum punishment approved by the convening authority." This revision will obviate the need to forward routine drug cases up the chain of command for approval and is more consistent with the practices of the other services. (See Sections 308a(6)(e) and 308b(7)(e).)

f. Authorizes the substitution of an unclassified summary of relevant facts/circumstances for the full record of trial in national security cases. Intent is to facilitate the open and candid discussion of the case without the fettering constraints imposed by security regulations. (See Section 310a.)

g. Strengthens current conflict of interest and recusal regulations for NC&PB members. (See Section 311f.)

h. Strengthens current regulations that mandate non-adversarial proceedings. (See Section 311e.)

i. Provides Director, Naval Council of Personnel Boards more flexibility in designating the President, Naval Clemency and Parole Board. Revision provides that the President, Naval Clemency and Parole Board may either be a senior military officer or a senior civil servant. This revision is consistent with the practices of the other Services. (See Sections 307a(5) and 307c.)

j. Provides a Website Address to facilitate access to the Naval Clemency and Parole Board. (See Section 321.)

k. Provides that the Navy and Marine Corps Appellate Leave Activity (NAMALA) will be the central repository for the original service/health records of parolees. (See Sections 517j(1)-(4) and 608a-c.)

l. Provides that, in case of parole applicants, a valid tender of employment is not necessarily required prior to consideration by the Naval Clemency and Parole Board, but that a valid tender of employment must be forwarded (via the naval brig chain of command) to the President, Naval Clemency and Parole Board, for consideration and approval prior to release (on parole) of the offender from the naval brig. (See Section 506a.)

m. Provides increased guidance in the area of victim/witness registration and impact statements. (See Section 311b-c.)

n. Delegates final decisional authority to NC&PB in special holiday clemency release cases to ensure the NC&PB acts in consonance with both the Army and Air Force Clemency and Parole Boards. (See Section 406a(1).)